

**CONTROLLED SUBSTANCES BOARD  
MADISON, WI  
MINUTES  
APRIL 2, 2003**

**PRESENT:** Yvonne Bellay; Robert Block (replacing Robert Sloey); Cynthia Benning, R.Ph; Doug Englebert, R.Ph; Thomas Rudy, Ph.D; Kenneth Robbins (until 11:00 a.m.)

**STAFF PRESENT:** Thomas Ryan, Bureau Director; William Black, Legal Counsel; Grace Schwingel; Kris Hendrickson; DOE Staff

**GUESTS:** Tony Driessen, American Chemistry Council  
Thomas B. Hill, Drug Enforcement Administration  
R. Martin Smith

**CALL TO ORDER**

Cynthia Benning, Chair, called the meeting to order at 9:30 a.m. A quorum of 6 members was present.

Thomas Ryan, the newly appointed Bureau Director, introduced himself and gave a brief review of his professional background. Board members all introduced themselves.

**AGENDA**

**MOTION:** Thomas Rudy moved, seconded by Yvonne Bellay, to approve the agenda as published. Motion carried unanimously.

**MINUTES OF FEBRUARY 5, 2003**

**Amendments to Minutes of 2/5/03:**

On page 3 of the minutes, fourth paragraph, the first sentence should read: "The federal **government** takes a two-pronged approach to this issue. The fifth paragraph should read: "The Board is waiting to hear from the FDA for appropriate language to use with regard to the presence of GBL in beer and wine.

**MOTION:** Yvonne Bellay moved, seconded by Thomas Rudy, to approve the minutes of February 5, 2003 as amended. Motion carried unanimously.

## **APPROVAL OF MINUTES OF TELECONFERENCE, FEBRUARY 20, 2003**

**MOTION:** Thomas Rudy moved, seconded by Yvonne Bellay, to approve the minutes of the February 20, 2003 teleconference as published. Motion carried unanimously.

## **REVIEW AND APPROVAL OF PROPOSED RULE RELATING TO SCHEDULING DRUG PRODUCTS CONTAINING GHB THAT ARE APPROVED BY THE FDA, AND SEND TO CLEARINGHOUSE**

**MOTION:** Thomas Rudy moved, seconded by Kenneth Robbins, to send the proposed rule relating to scheduling drug products containing GHB that are approved by the FDA to the Clearinghouse. Motion carried unanimously.

## **REVIEW OF DRAFT FOR GBL/GHB/BDO LEGISLATION**

The Board discussed the variety of uses for these chemicals, which are also controlled substances, and the legitimate uses both in industry as a chemical and as a controlled substance as either a stimulant or a depressant. The law needs to be written for Schedule I so that industries that are using these substances in an appropriate manner are not inadvertently in conflict with the law. The problems involved in trying to categorize this drug as an analog were discussed. It was recognized that this is a difficult drug type to codify because it is different enough from standard types of controlled substances. Robert Block will work with the DOJ in writing the language for this rule and will talk with Don Latorraca at DOJ to obtain further input. It was noted that when this drug is abused, it is abused as a depressant, not as a stimulant.

## **SPECIAL USE AUTHORIZATION APPLICATIONS**

### **SARAH ANN LIND – THREE DOG CANINE TRAINING**

Sarah Ann Lind presented her request to be able to carry controlled substances for use in canine training and answered questions presented by the Board.

The Board recommended that Sarah Ann Lind complete her application and provide the Department with a letter of sponsorship from the Wisconsin Dells Police Department in order for her to store and use the controlled substance. She would also need to be deputized by the police department and have a bolted lock box for transportation of the drugs before the Board would be willing to grant her SUA request.

### **ALFRED NICOLOSI – MEDICAL COLLEGE OF WI**

**MOTION:** Thomas Rudy moved, seconded by Yvonne Bellay, to approve the SUA request of Alfred Nicolosi. Motion carried unanimously.

**ROBERT EHLENFELDT - WI DEPARTMENT OF  
AGRICULTURE, TRADE AND CONSUMER PROTECTION**

**MOTION:** Thomas Rudy moved, seconded by Yvonne Bellay, to approve the SUA request of Robert Ehlenfeldt of the WI Dept. of Agriculture, Trade and Consumer Protection. Motion carried unanimously.

**KENNETH TERBEEK – SIGMA-ALDRICH, INC.**

**MOTION:** Kenneth Robbins moved, seconded by Thomas Rudy, to approve the SUA request of Kenneth Terbeek. Motion carried unanimously.

**DARRYL DRAKE – NORTHSTAR DETECTION**

**MOTION:** Yvonne Bellay moved, seconded by Doug Englebert, to extend the SUA request for Darryl Drake – Northstar Detection with the following conditions. He must 1) provide evidence that he is a sworn officer; 2) provide a letter from the law enforcing agency that takes responsibility for him; and 3) clarification of the source of his controlled substances. Motion carried unanimously.

**CATHERINE HUBERT-MARKOS**

**MOTION:** Thomas Rudy moved, seconded by Yvonne Bellay, to approve the SUA request of Catherine Hubert-Markos. Motion carried unanimously.

**DISCUSSION RE: PROCESSING SEDATION FOR PURPOSES OF TRANSLOCATION  
AMENDMENTS – KRIS HENDRICKSON**

Kris Hendrickson reviewed proposed revisions to the Humane Society Annual Report to modify for sedation for purposes of translocation.

The Board approved the amendments and specified the procedure it would like followed and what items need to be collected. The Humane Societies need to justify why they need the controlled substance. They may, however, base their request on their previous usage and continue with the same justification.

The Board reviewed a notice that will be sent to all SUA holders clarifying that they may only have drugs/substances in the amounts that have been previously authorized and approved by the Controlled Substances Board. The Board wants to ensure that SUA holders are aware that the possession of any additional controlled substance amounts that are not authorized by the Board is a violation of state and federal laws. Failure to comply with this standard could result in having their SUA revoked, and their DEA registration suspended.

**MOTION:** Thomas Rudy moved, seconded by Doug Englebert, to approve the letter, with some minor amendments, that will be sent to all SUA holders. Motion carried unanimously.

#### **UPDATE ON STATUS OF SUA PLACEMENT ON DRL WEBSITE**

Kris Hendrickson reviewed the status of placing the application form for individuals who may want to apply for an SUA of a controlled substance placement on the DRL website.

**MOTION:** Doug Englebert moved, seconded by Yvonne Bellay, to place the SUA application forms on the website. Motion carried unanimously.

#### **DRUG SUMMARY REPORTS**

The Board reviewed drug summary reports from Milwaukee and Wausau, indicating it would like to continue receiving these reports. Thomas Hill of DEA will contact Bill Wallucks of the Division of Criminal Investigation at DOJ to clarify who is responsible for sending the drug summary reports to the Department.

#### **MONTHLY DRUG THEFT & LOSS REPORT**

The Board reviewed the report of monthly drug theft and loss report that is generated for the Pharmacy Board. The Board has concerns about the number of break-ins involving larger quantities of controlled substances, as well as in-transit, UPS losses of controlled substances. Pharmacies are required to report any theft or loss of controlled substances to the DEA and to the Pharmacy Examining Board. The Board wants to keep informed of the loss of any controlled substances and the specific type of controlled substance that is being diverted.

#### **BUPRENORPINE LEGISLATION UPDATE – PAMELA HAACK**

This issue will be on the Board's June agenda. Tom Ryan and Cynthia Benning will check with Pamela Haack after the meeting to confirm the status of this rule and to see if it has been sent to the Clearinghouse.

#### **REVIEW OF FORMS CHANGES – KRIS HENDRICKSON**

Kris Hendrickson presented changes that had been made to SUA application materials for the Board's review. The Board reviewed the application form, the SUA Instruction sheet, and the SUA violation form, making some minor changes as needed. The Board expressed its appreciation to Kris Hendrickson for the work she has done in clarifying the Department's forms.

#### **APPOINTMENT TO SCAODA**

**MOTION:** Thomas Rudy moved, seconded by Kenneth Robbins, to appoint Doug Englebert to represent the Board at the State Council on Alcohol and Other Drug Abuse (SCAODA). Motion carried unanimously.

### **OTHER BOARD BUSINESS NOT REQUIRED FOR PUBLIC NOTICE**

The Board will vote for a person to replace Robert Sloey as Secretary at the June meeting. The Board requested and it was agreed that the Board meetings should begin at 9:00 a.m. in the future, rather than 9:30 a.m.

### **ADJOURNMENT**

**MOTION:** Thomas Rudy moved, seconded by Robert Block, to adjourn the meeting at 11:30 a.m. Motion carried unanimously.

**Next Meeting: Wednesday, June 4, 2003 – 9:00 a.m.  
Room 179A**